

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

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U.S.C.A. #

U.S.D.C. #

08-cv-3958

JUDGE:

KMW

DATE:

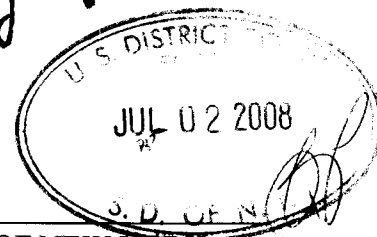
July 2, 2008

Harner

-v-

Lape

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME):

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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 2nd Day of July, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Gomez

 -v-
Lape

U.S.C.A. # _____
 U.S.D.C. # 08-cv-3958
 JUDGE: KMW
 DATE: July 2, 2008

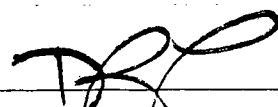
Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this ~~2ND~~ Day of JULY In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By 
 Deputy Clerk

APPEAL, CLOSED, HABEAS

**U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-03958-KMW
Internal Use Only**

Garner v. Lape
Assigned to: Judge Kimba M. Wood
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 04/28/2008
Date Terminated: 04/28/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Date Filed	#	Docket Text
04/28/2008	<u>1</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by Kenyatta Garner.(jeh) (Entered: 05/07/2008)
04/28/2008		Magistrate Judge Douglas F. Eaton is so designated. (jeh) (Entered: 05/07/2008)
04/28/2008	<u>2</u>	ORDER OF DISMISSAL; The instant petition for a writ of habeas corpus to 28 U.S.C. 2254 was received by this Court's Pro Se Office on March 24, 2008. ON the same date, the Court also received the attached correspondence from pretitioner advising the Court that petitioner wishes to withdraw this action. Accordingly, this action, is voluntarily dismissed pursuant to Rule 41(a)of the Federal Rules of Civil Procedure. (Signed by Judge Kimba M. Wood on 04/28/2008) (jeh) (Entered: 05/07/2008)
05/29/2008	<u>5</u>	NOTICE OF APPEAL from 2 Order Dismissing Complaint (I.F.P.). Document filed by Kenyatta Garner. (tp) (Entered: 07/01/2008)
05/29/2008		Appeal Remark as to 5 Notice of Appeal filed by Kenyatta Garner. NO FEE. IFP GRANTED 6/17/08. COA DENIED 6/11/08. (tp) (Entered: 07/01/2008)
06/11/2008	<u>3</u>	ORDER: By Order dated 4/28/2008, the instant petition was dismissed pursuant to F.R.C.P. 41(a), without prejudice to refiling, because petitioner requested that the matter be voluntarily withdrawn. Petitioner now appeals from the order of dismissal. Given that the petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. 2253. (Signed by Judge Kimba M. Wood on 6/11/2008) (jpo) (Entered: 06/11/2008)
06/18/2008	<u>4</u>	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. Leave to proceed in this court without payment of fees is authorized. 28 U.S.C. section 1915. (Signed by Judge Kimba M. Wood on 6/17/08) (djc) (Entered: 06/20/2008)
07/01/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 07/01/2008)
07/01/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 07/01/2008)